

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

COMMENTS OF WATCHTV, INC.

WatchTV, Inc. ("WatchTV") hereby submits its Comments in response to the Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry.

1. WatchTV is the licensee of eight low power television stations operating in Portland, Oregon and the outlying areas of Oregon and Washington State surrounding the Portland region. WatchTV is also the permittee or applicant for an additional ten stations designed to serve these areas.^{1/}

2. In its Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, the Commission seems to call into question some of the initial licensing

Specifically, WatchTV is the licensee of the following stations: K62DV, Portland, Oregon; K56EI, Portland, Oregon; K19CT, Camas, Washington; K66EJ, Newberg, Oregon; K25EP, Newport, Oregon; K41DF, Eugene, Oregon; K18DW, Redmond/Prineville, Oregon and K15DO, Bend, Oregon. WatchTV is the permittee of the following stations: K20DT, Grants Pass, Oregon; K49DM, Coos Bay, Oregon; K39DP, Klamath Falls, Oregon; K16DD, Pendleton, Oregon; K66EU, Yakima, Washington and K60FX, Kennewick, Richland and Pasco, Washington. The President of WatchTV is the applicant for new stations in the following areas: Rosenberg, Oregon; Astoria, Oregon; Ashland, Oregon and Medford, Oregon.

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eligibility decisions it has made in previous orders in this proceeding. In so doing, the Commission raises anew concerns for program diversity and ownership diversity in the digital age. The Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, unlike all the previous orders which have contained a special section specifically addressing the needs and concerns of low power television operators, appears not to even mention these operators at all. While the Commission does note that the costs of construction of the new digital facilities may require special treatment for stations in small markets as well as for educational stations, no mention is made of the need for special treatment for low power television operators. The Commission also correctly notes that the costs of digital conversion may result in some stations foregoing the opportunity to make the transition to digital technology. The Commission is therefore seeking comments on methods by which to make digital channels available to "new entrants" where they are not utilized by existing full power broadcasters and to "recover" channels which are not being used by either existing broadcasters or new entities.

3. To the extent that the failure to even mention low power operators in this Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry raises the specter that the Commission intends to reverse its previous decisions and exclude these operators from participating in the conversion to digital technology, WatchTV strenuously objects. Low power operators can play an important role in the digital age for which they are apparently now being overlooked. To this end, WatchTV asks that the Commission make unused digital channels available to existing low power operators on the same terms and conditions as it adopts for the small market and

educational broadcasters before any other “new entrants” are allowed to apply. In this way, low power operators can provide the program and ownership diversity that the Commission seeks and utilize their experience in broadcasting to assist in the conversion to digital. The Commission should also reaffirm its previous decision to allow low power television operators to operate on their existing channels until a conflicting ATV is actually operational, and then on other available NTSC channels during the transition period, thus minimizing the impact of the transition on the viewing public. While the cost of converting to digital will be substantial, low power television operators provide many valuable services to the viewing public, and should be allowed to participate fully in the upcoming revolution in the broadcast industry.

4. WatchTV’s mission is to provide local and regional programming of interest, including news and public affairs programming, to the residents of the remote areas in which the majority of its stations are located. In many cases, WatchTV’s station is the only local television facility available to the residents in that station’s service area. Without WatchTV’s outlets, residents of many of these areas would have only one local newspaper and television service from distant Portland stations to service their news and information needs. WatchTV’s facilities are a vital communications link for these areas and bring a diversity of programming not otherwise available to these residents. For example, three of WatchTV’s facilities will now provide the large and heretofore underserved Hispanic population in the Yakima, Washington; Pendleton, Oregon; and Kennewick, Richland, and Pasco, Washington areas with Spanish-language programming from the Telemundo network. Ultimately, WatchTV plans to provide locally-produced news and public affairs in Spanish to supplement this

network programming. Without WatchTV's service, there is no free over-the-air Spanish-language programming available to this population.

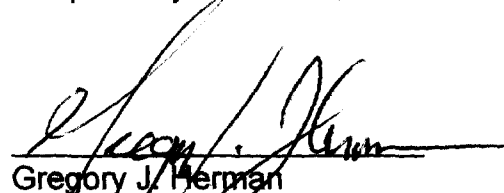
5. The entire purpose of the introduction of the low power television service was to foster program diversity and to provide a method of entry into broadcasting, thereby fostering ownership diversity. It makes no sense for the Commission, having encouraged the growth of this industry, to allow it to be shut down just as it is reaching its envisioned potential. This service has responded to the Commission's call, and the public's need, for locally-oriented television programming. Low power television operators such as WatchTV are providing significant locally-produced programming, particularly in areas which have historically not been served, or have been underserved, by full power television broadcasters. The Commission's most recent broadcast station totals reveal that the service has been so successful, and is in such demand, that there are now more than 1700 low power stations licensed. While many of these stations may not be able to afford the conversion to digital, the failure to allow low power television operators to participate in the transition to digital will frustrate the entire purpose for which the Commission established the service in the first place.

6. These operators were, in fact, brought into business by the promise articulated in the Commission's Report and Order establishing the low power television service. They have invested their lives' savings and put all of their energies into developing the low power television service. Through their efforts, these operators have transformed the service to make it the locally-responsive outlet that it is today. Just as the Commission has stated that full power operators should be given a preference in this proceeding because they possess broadcast experience, low power

operators represent a diverse pool of broadcast talent that can benefit the digital service. If given the opportunity, low power operators can benefit the digital television service in the same way that they have benefitted the current low power television service.

7. Despite the difficulties of starting any service, low power television operators such as WatchTV have been able to locate and harness economic resources to construct and program their stations. Given sufficient opportunity to develop these existing stations and their cash flows, these operators, with the assistance currently proposed for small market and educational applicants, may well be the best qualified applicants for initiating yet another new service -- digital television. The Commission should now give them that opportunity by preserving their current NTSC operations while allowing them to ultimately make the transition to digital, bringing with them a wealth of experience and diversity that will continue to be needed in the digital age.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory J. Herman", is written over a horizontal line.

Gregory J. Herman
President
WatchTV, Inc.
1332 NW Kearney Street
Portland, Oregon 97290

November 14, 1995